

REMARKS

Claim 18 is pending in the application. Claims 1-17 and 19-32 have been cancelled without prejudice. Claim 18 has been amended. Support for the amendments can be found in original claim 22 and in the specification at, e.g., page 12, lines 23-30. No new matter has been added.

Title to the Application

At page 3 of the Office Action, the Examiner asserted that the title of the application is not descriptive of the pending claims and requested that a new title be provided. In response to this objection, the title has been amended to "METHODS OF PREVENTING OR TREATING GRAFT VERSUS HOST REACTION BY ADMINISTERING AN ANTIBODY OR PORTION THEREOF THAT BINDS TO AILIM."

Claim Objection

At page 3 of the Office Action, claim 22 was objected to as being directed to non-elected inventions. Claim 22 has been cancelled without prejudice, thereby obviating the present objection.

35 U.S.C. §112, First Paragraph (Enablement)

At pages 3-7 of the Office Action, claims 18-22 were rejected as allegedly not enabled. The present rejection contains parts "A" through "D." Applicants respectfully traverse the rejection in view of the claim amendments and the following remarks.

Under "part A," the rejection stated that "[t]he specification does not provide a sufficient enabling description of the claimed method, because it does not provide a sufficient enabling description of a 'substance' that modulates signal transduction mediated by AILIM." It is applicants' understanding that the amendment of claim 18 to recite "an antibody or a portion thereof that binds to AILIM" obviates this rejection.

Under “part B,” the rejection stated that “[t]he specification does not provide a sufficient enabling description of the claimed method as it relies on a substance that ‘modulates’ signal transduction mediated by AILIM.” It is applicants’ understanding that the amendment of claim 18 to delete the term “modulates” obviates this rejection.

Under “part C,” the rejection stated that “[t]he specification does not provide a sufficient enabling description of the claimed method which comprises administering a generically recited ‘antibody’ that binds to AILIM or a portion thereof.” It is applicants’ understanding that the amendment of claim 18 to recite “an antibody or a portion thereof that binds to AILIM and inhibits proliferation of an AILIM-expressing cell or production of interferon-gamma or interleukin-4 by an AILIM-expressing cell” obviates this rejection.

Under “part D,” the rejection stated that “[t]he specification does not provide a sufficient enabling description of the claimed method, because it does not provide a sufficient enabling description of the generically recited ‘AILIM.’” Examined claim 22 referred (in parts b and c) to polypeptides containing all or a portion of an extracellular region of “AILIM.” Claim 22 has been cancelled, thereby rendering this rejection moot insofar as it relates to AILIM-containing polypeptides. Amended claim 18 refers to an antibody or a portion thereof that binds to AILIM. At the time the present application was filed “AILIM” was an art-recognized term for a cell surface polypeptide also known as “ICOS.” Because of the art-acceptance of this term, the skilled person would have been able to make and use an antibody or a portion thereof that binds to AILIM without undue experimentation and with a reasonable expectation of success. In view of these remarks and the claim amendments, applicants request that the Examiner withdraw the rejection.

35 U.S.C. §102(b) (Anticipation)

At pages 7-8 of the Office Action, claims 18-22 were rejected as allegedly anticipated by Krocze et al., DE 19821060 (“Krocze”). According to the Office Action, Krocze “teaches that antibodies to the 8F4 polypeptide can be used as pharmaceutical compositions to block the

interaction of the 8F4 antigen with its receptor in methods of preventing rejection reactions in organ transplants.”

As amended, independent claim 18 is directed to a method of preventing or treating graft versus host reaction by administering to a subject a composition containing an antibody or a portion thereof that binds to AILIM. “Graft versus host reaction” is the species that was elected in a response to restriction requirement filed on February 7, 2007.

Kroczek does not disclose the use of an anti-AILIM antibody or a portion thereof to prevent or treat graft versus host reaction. As a result, applicants respectfully request that the Examiner withdraw the rejection.

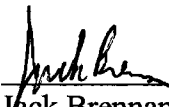
CONCLUSIONS

Applicants submit that all grounds for rejection have been overcome, and that all claims are in condition for allowance, which action is earnestly requested.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 14539-005002.

Respectfully submitted,

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